DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Shenk (US Patent 4,866,644A).

Regarding claim 1, Shenk discloses a method for standardizing system response of a spectrophotometer comprising:

a step of obtaining the difference spectrum (the master and slave data is subtracted to obtain the math treatment value, column 4, lines 59-63 and column 5, lines 3-6) between a master unit (determining the standard sample spectral set of the master unit, see column 4, lines 20-24) and a slave unit (determining the standard sample spectral set of the slave unit, see column 4, lines 26-29) by subtracting the spectrum of a standard material measured by the master unit from the spectrum of the standard material measured by the slave unit serving as another spectrophotometer similar to the master unit (both units are similar, see field unit and master unit, column 1, lines 49-56); and

a step of making the system response of the slave unit coincide with the system response of the master unit by subtracting the difference spectrum from the spectrum of each sample to be measured by the slave unit (column 8, lines 33-44).

Regarding claim 2, Shenk discloses that the spectrophotometer is set to a sweetness sorting machine (column 1, lines 12-16, Shenk discloses determining quantitative measurements of agricultural products).

Regarding claim 3, Shenk discloses a method for standardizing system response of a spectrophotometer, wherein the spectrum of the standard material is a spectrum of a sample to be measured (Column 2, lines 2-6, if the material to be measured is an agricultural product then a sample of this product's spectrum should be measured), a second derivative spectrum (Column 4, lines 63-65), or an average of these two spectra (column 4, lines 56-59).

Regarding claim 4, Shenk discloses a method for standardizing system response of a spectrophotometer, wherein the spectrum of the standard material is the spectrum or average spectrum of a material similar to a sample to be measured in optical density (column 2, lines 2-6).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. US Pre Grant publication 2004/0033618 A1- this reference discloses calibration of a master/slave NIR spectrometer.

5. US Patent 6512577B1- this reference discloses multiple NIR spectrometers that measure the sugar content of apples.

6. NPL- Comparison of Two Different Approaches Toward Model Transferability in NIR Spectroscopy- Swierenga et al.- this reference discloses applying a model calibration to a master/slave spectrometer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE SUNG whose telephone number is (571)272-2448. The examiner can normally be reached on Monday- Friday 9-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christine Sung/
Primary Examiner
Art Unit 2884

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